ICN Agency Effectiveness Working Group
2014-2017 Work Plan

MISSION

The mission of the Agency Effectiveness Working Group (AEWG) is to identify key elements of a well-functioning competition agency and develop best practices for agency strategy, planning, operations, investigative tools and procedures.

ORGANIZATION

The Working Group’s co-chairs are the Finnish Competition and Consumer Authority, the Norwegian Competition Authority, and the US Federal Trade Commission. The Group comprises 65 ICN members and also includes legal, economic, and academic NGAs from around the world. The Working Group holds periodic teleconferences with all members and NGAs.

LONG TERM GOALS

To achieve its mission, the Working Group strives to:

- provide a forum for sharing experiences and agency practices
- encourage agencies to evaluate their effectiveness, engage in strategic planning, set priorities, develop project delivery techniques and knowledge management systems, and improve their investigative processes help members improve the quality of agency operation and procedures
- develop guidance for running an effective agency and establishing an effective investigative process
- through the ICN Curriculum Project, develop online training modules on competition policy and enforcement issues that highlight ICN work product
- promote implementation of the Group’s work product
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Over the next three years, the AEWG will guide its work program based on the following considerations:

Goal: Foster consensus and develop agency guidance

Examining Investigative Process

The Investigative Process Project seeks to increase understanding among ICN members of how different investigative processes can contribute to enhancing the effectiveness of agencies’ decision-making. The Project’s mandate calls for the group to gather information and share experiences regarding agencies’ investigative tools and procedures and based on this work, consider an appropriate conclusion to the work, such as developing ICN guidance or recommendations. In 2014-15, the Project will complete its exploration of the investigative process topics in its mandate – enforcement tools, transparency, engagement, confidentiality, and internal procedures – and address project conclusions.

Goal: Create new work product that addresses the needs of ICN members.

Continue Development of the ICN Curriculum Program

The AEWG will continue to oversee the development and refinement of new and existing training modules for the ICN Curriculum Project. As more modules are developed, the Project is adapting its structure to pursue innovative formats and present a wider range of available content across enforcement and policy issues at both introductory and more advanced levels. The Project will continue to draw upon the expertise and insights of interested ICN members and NGAs, including a mix of presenters that includes agency officials, academics, and experienced practitioners. The Project will also draw upon the insights of Working Groups, existing member training programs, and ICN work product to contribute to the development of new modules.

Continue Development of the Competition Agency Practice Manual

The AEWG will continue to develop the Competition Agency Practice Manual (“the Manual”). The Manual has as its objective to provide competition agencies with tools, procedures and best practices that can help them enhance their effectiveness. Three topics have been identified as possible additions to the Manual:

Potential new topic: Agency tools and procedures
At the 2014 ICN annual conference, a breakout session was devoted to sharing experiences among delegates on new tools and procedures in case management that have contributed to improve agency effectiveness. The WG will firstly explore the potential for this topic among members, and if confirmed, collect member input through various forms of involvement, e.g. webinars, and present these in a new chapter to the Manual.

**Potential new project: Agency Communication**

Agency Communication was identified as a potential chapter for the Manual. The topic could include how an agency communicates both internally with staff and externally with parties and the public. In exploring work on this topic, the Working Group recognizes existing work on competition agency messages and interaction with various stakeholder groups developed in the ICN Advocacy Working Group and elsewhere. The potential project would consider appropriate means for broad member input and involvement in order to present a comprehensive overview of agency practices, perhaps in collaboration with the Advocacy Working Group.

**Potential new project: Agency Evaluation**

Agency Evaluation also was identified as a potential future chapter for the Manual. Agencies face challenges in evaluating the effectiveness of their activities. Evaluation could include both an agency’s overall mission and results across enforcement and policy efforts, as well as specific investigations or advocacy efforts. In considering work on this topic, the WG will recognize and assess existing work on evaluation developed in the OECD, the ICN and elsewhere.

**Potential new project topic: Internal Agency Institutional Structure and Design**

The group will consider studying agencies choices about internal structure and design. This project area may address aspects such as the impacts of changes to an agency’s legal framework, mandate, or enforcement powers, the institutional choices available to agencies, the competition agency’s role in system reforms, and how agency structure and design choices can improve their effectiveness. The output for this project area could include seminars, workshops, and potentially, comparative reports.

**Potential new project topics: Cross-Working Group Issues**

The AEWG may be able to add value on aspects of topics that touch upon agency effectiveness that arise in other Working Groups. For example, topics such as the
institutional issues that contribute to international cooperation or how agencies organize their legal, economic or international policy teams may be worth considering.

**Goal: Promote implementation of existing work product**

*Existing ICN Curriculum Modules*

The Curriculum Project Team will seek feedback from users to evaluate the technical aspects and content of existing modules to ensure the project is meeting expectations and to consider potential improvements and new modules.

*Agency Practice Manual*

The principle that underlies the Agency Practice Manual is that how an agency organizes its operations can fundamentally affect the quality of its substantive initiatives. AEWG has produced chapters on strategic planning, project delivery, knowledge management and human resources. The AEWG will pursue ways to promote the Manual including soliciting feedback from interested members and NGAs, implementation surveys, and promotional teleseminars, webinars, discussion calls, and workshop sessions.

**Goal: Increase member and NGA participation**

The AEWG will continue efforts to engage ICN members and NGAs through the development of new work product of value to WG participants; implementation efforts for existing work product; teleseminars, webinars and discussion calls on timely topics of interest; workshops; and other interaction. NGAs will remain an integral part of the AEWG’s work, with all members encouraged to invite and involve active NGA participation.
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1. **Priority Work Product**

   Investigative Process Project (co-chaired by the US FTC and EC’s DG-Competition)

   The Working Group will continue its project on Investigative Process. The Project addresses how enforcement tools and procedures can contribute to enhancing the effectiveness of agencies’ investigative processes. To date, the Project has addressed agency enforcement tools, transparency practices, engagement with parties and third parties, and confidentiality. In 2014-15, the Project will have two aspects:

   1) conduct a stocktaking exercise on internal agency checks and balances as the remaining new topic from its mandate. The work will include one survey for member input and a report on the survey results.
   2) scope conclusions for the project, by identifying practices from the Project’s stocktaking work that are appropriate to inform consideration of ICN guidance or recommendations.

2. **Research & Development**

   The Working Group will establish an informal “R&D” discussion group to scope potential new work topics for the WG and develop “light footprint” events that do not require significant, broad-based member resources. For example, the group will not issue surveys nor draft comprehensive reports. The R&D work will help identify and inform work products for priority attention in future years. For 2014-15, the R&D group will focus on discussion of:

   - A Potential Workshop. Building on the successful ICN workshops addressing agency effectiveness issues in 2009, 2010, 2012, and 2014, the Working Group will explore hosting one workshop during 2014-2015 that will address agency effectiveness topics covered by existing or planned AEWG work, such as the Agency Manual line of topics that include strategic planning and knowledge management or other aspects of effective investigation.
   - Teleseminars and Webinars. The WG will continue to host a limited number of teleseminars, webinars, or discussion calls with two goals in mind: 1) to explore emerging topics and 2) to promote implementation of the WG’s existing work.
• The feasibility and scope of potential additions to the Agency Practice Manual, including the identified topics of New Tools and Procedures in Case Management, Agency Communication, and Agency Evaluation.

3. **Oversight of Curriculum Project**

The Working Group will continue its oversight and support of the ICN Curriculum Project. The Curriculum Project is led by the US FTC and a project group of interested members (including representatives from each Working Group) and NGAs that volunteer to develop modules and contribute to overall curriculum planning. The Curriculum Project is a primary ICN tool for developing training materials for members and promoting implementation of exiting work product.

The team will evaluate commitments and resources and will continue to work with interested members, NGAs, and Working Groups to develop new modules. Potential topics for new modules include: an introduction to the ICN, enforcement cooperation, additional enforcement-related modules on topics such as cartel investigation or an overview of unilateral conduct enforcement, aspects of agency effectiveness or advocacy, compliance with antitrust laws, and more in-depth treatment of narrower topics covered by the basic modules.

To address resource constraints, the Project Group has developed a 'simplified module' format consisting of a basic lecture by one or two participants similar to an online presentation of a classroom lecture as a complementary model alongside existing modules. These lectures are focused on narrower topics without more elaborate production elements or on screen extras. This format is aimed at promoting involvement by academic NGAs, and may encourage other NGAs and members to create modules without intensive video production.

As an adjunct to the Curriculum Project, the Group also proposes to post links to existing non-project educational and information videos on competition enforcement produced by member agencies and ICN NGAs, consistent with existing ICN content and work product.

The Curriculum Project Team will seek feedback from users to evaluate the existing modules to ensure the project is meeting the expectations of its target audiences and to consider potential improvements as well as topics for new modules.
4. **Evaluation of work**

Based upon feedback to the annual plan and group discussion of project objectives, each work stream will produce specific plans to inform WG members and NGAs by September 2014.

How the AEWG evaluates the use and utility of its projects will vary. The success of the written work product can be measured by participating agencies and NGAs, reported use by agencies, and impact on member policies or practices. Seminars and workshops will be evaluated by participation levels and feedback.